



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: September 30, 2013
Comment Deadline: October 30, 2013
Corps Action ID Number: SAW-2013-00534

The Wilmington District, Corps of Engineers (Corps) received an application from Pastor Elmer Bauman of the Waves of Praise Worship Center seeking Department of the Army authorization to discharge dredged or fill material into 0.716 acre of waters of the United States, associated with the construction of a church for Waves of Praise Worship Center in Boiling Spring Lakes, Brunswick County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at:

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>

Applicant: Pastor Elmer Bauman
Waves of Praise Worship Center
3000-4 George II Highway
Southport, North Carolina 28461

Agent (if applicable): Land Management Group, Inc.
3805 Wrightsville Avenue; Suite 15
Wilmington, North Carolina 28402

Authority

The Corps evaluates this application and decides whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of the following Statutory Authorities:

- Section 404 of the Clean Water Act (33 U.S.C. 1344)
- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

Location

Directions to Site: From Wilmington, take US 17 South. Turn left onto NC 87/George II Highway SE. The site is approximately five acres located southwest of George II Highway SE, in Boiling Spring Lakes just past Brunswick Road, Brunswick County, NC.

Project Area (acres): 5.0 Nearest Town: Boiling Spring Lakes
Nearest Waterway: Moore Creek River Basin: Lower Cape Fear 03030005
Latitude and Longitude: 34.009939 N, -78.054347 W

Existing Site Conditions

The 5.0 acre site is located at 3648 George II Highway in Boiling Spring Lakes, North Carolina. The majority of the site is included in the State Natural Heritage Area Boiling Spring Lakes Wetland Complex. Uplands constitute 0.75 acre of the overall 5.0 acre site.

The site is currently vegetated, undeveloped and located within the Cape Fear River Basin. Wetlands within the tract drain towards Boiling Spring Lake, classified by the North Carolina Division of Water Resources, Water Quality as Class B and Swamp Waters (Sw). Class B waters are protected for uses including primary and secondary recreation, fishing, wildlife, fish consumption, aquatic life including propagation, survival and maintenance of biological integrity, and agriculture. The Sw classification characterizes waters which have low velocities and other natural characteristics different from adjacent streams. According to the Brunswick County Generalized Soil Survey, soil types within the project area are classified as Murville fine sand. The applicant's consultant conducted a soil analysis on the 0.75 acre upland portion of the tract and determined that this area supports a Leon soil unit. Murville and Leon soils are very poorly drained and poorly drained soils, respectively, which formed from sandy alluvium on coastal plain flats. Land use within the project area is currently zoned Commercial. Surrounding land use consists of undeveloped, forested tracts with some commercial and residential. The majority of commercial land use located along US Hwy 17, NC Highways 211 and 133, north of Southport and Oak Island, and along NC 130 north of Holden Beach. The site has recently been bush hogged. Both wetlands and uplands within the site support a sparse canopy of loblolly pine (*Pinus taeda*) and pond pine (*Pinus serotina*). A dense herbaceous layer supports fetterbush (*Lyonia lucida*), gallberry (*Ilex coriacea*), and sweet bay (*Magnolia virginica*). Additionally, there is a heavily vegetated offsite ditch that is located within a public access right of way and is situated parallel to the northern property boundary. The ditch is approximately 3 feet deep and may have a drainage effect along the rear portion of the site.

Applicant's Stated Purpose

The applicant's stated purpose is to construct a new church in order to continue its membership growth.

Project Description

The applicant proposes to construct a 70 foot by 65 foot building, a 20 foot wide driveway access, and a parking area for 40 parking spaces. The stormwater facilities would be located in uplands behind the proposed building.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The applicant's preferred alternative is designed to avoid and minimize impacts to waters of the U.S.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant proposes to purchase credits from the Lower Cape Fear Mitigation Bank for the restoration of 0.716 acre of non-riparian wetlands within the Cape Fear River watershed. Additionally, the applicant proposes to preserve an undetermined portion of the remaining wetlands onsite.

Essential Fish Habitat

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, this Public Notice initiates the Essential Fish Habitat (EFH) consultation requirements. The Corps' initial determination is that the proposed project would not affect EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

Pursuant to Section 106 of the National Historic Preservation Act of 1966, Appendix C of 33 CFR Part 325, and the 2005 Revised Interim Guidance for Implementing Appendix C, the District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

- Should historic properties, or properties eligible for inclusion in the National Register, be present within the Corps' permit area; the proposed activity requiring the DA permit (the undertaking) is a type of activity that will have no potential to cause an effect to an historic properties.
- No historic properties, nor properties eligible for inclusion in the National Register, are present within the Corps' permit area; therefore, there will be no

historic properties affected. The Corps subsequently requests concurrence from the SHPO (or THPO).

- Properties ineligible for inclusion in the National Register are present within the Corps' permit area; there will be no historic properties affected by the proposed work. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; however, the undertaking will have no adverse effect on these historic properties. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; moreover, the undertaking may have an adverse effect on these historic properties. The Corps subsequently initiates consultation with the SHPO (or THPO).
- The proposed work takes place in an area known to have the potential for the presence of prehistoric and historic cultural resources; however, the area has not been formally surveyed for the presence of cultural resources. No sites eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work. Additional work may be necessary to identify and assess any historic or prehistoric resources that may be present.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

Endangered Species

Pursuant to the Endangered Species Act of 1973, the Corps reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information:

- The Corps determines that the proposed project would not affect federally listed endangered or threatened species or their formally designated critical habitat.
- The Corps determines that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat. The Corps initiates consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.
- The Corps is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the

Endangered Species Act of 1973 (ESA) within the project area. The Corps will make a final determination on the effects of the proposed project upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

Other Required Authorizations

The Corps forwards this notice and all applicable application materials to the appropriate State agencies for review.

North Carolina Division of Water Resources (NCDWR): The Corps will generally not make a final permit decision until the NCDWR issues, denies, or waives State Certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice combined with appropriate application fee at the North Carolina Division of Water Resources Central Office in Raleigh constitutes initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWR fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWR Central Office. Additional information regarding the Clean Water Act Certification may be reviewed at the NCDWR Central Office, Wetlands, Buffers, Stormwater Compliance and Permitting Unit, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so, in writing, by October 30, 2013 to:

NCDWR Central Office
Attention: Ms. Karen Higgins
(USPS mailing address): 1650 Mail Service Center, Raleigh, NC 27699-1650

Or,

(physical address): 512 North Salisbury Street, Raleigh, North Carolina 27604

North Carolina Division of Coastal Management (NCDCM): The application did not include a certification that the proposed work complies with and would be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2 (b)(2) the Corps cannot issue a Department of Army (DA) permit for the proposed work until the applicant submits such a certification to the Corps and the NCDCM, and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification. As the application did not include the consistency certification, the Corps will request, upon receipt, concurrence or objection from the NCDCM.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidated State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, October 30, 2013. Comments should be submitted to Ms. Liz Hair, Wilmington Regulatory Field Office, 69 Darlington Avenue, Wilmington, North Carolina, at (910) 251-4049.

BOWMAN DESIGN & ENGINEERING SERVICES, PA
 P.O. BOX 15561
 WILMINGTON, NORTH CAROLINA 28408
 (910) 443-2082
 LICENSE NUMBER: C-2997



WAVES OF PRAISE CHURCH
 FOR
 SITE PLAN
 BOILING SPRING LAKES, NORTH CAROLINA

DATE: 7/12/13
 SCALE: 1" = 50'
 DRAWN BY: LBB
 CHECKED BY: LBB

REGISTERED PROFESSIONAL ENGINEER
 CONTRACTOR WITHOUT LIMITS
 CORPORATE SEAL



7/12/13
 C 101

PROJECT NO. B189

GEORGE II HIGHWAY (N.C. 87)

150' PUBLIC RIGHT OF WAY

NOW OR FORMERLY
 REEVES TELECOM LIMITED PARTNERSHIP
 DEED BOOK 391, PAGE 321
 TAX PARCEL # 173HE001

NOW OR FORMERLY
 STATE OF NORTH CAROLINA
 DEED BOOK 1783, PAGE 1273
 TAX PARCEL # 173IB036

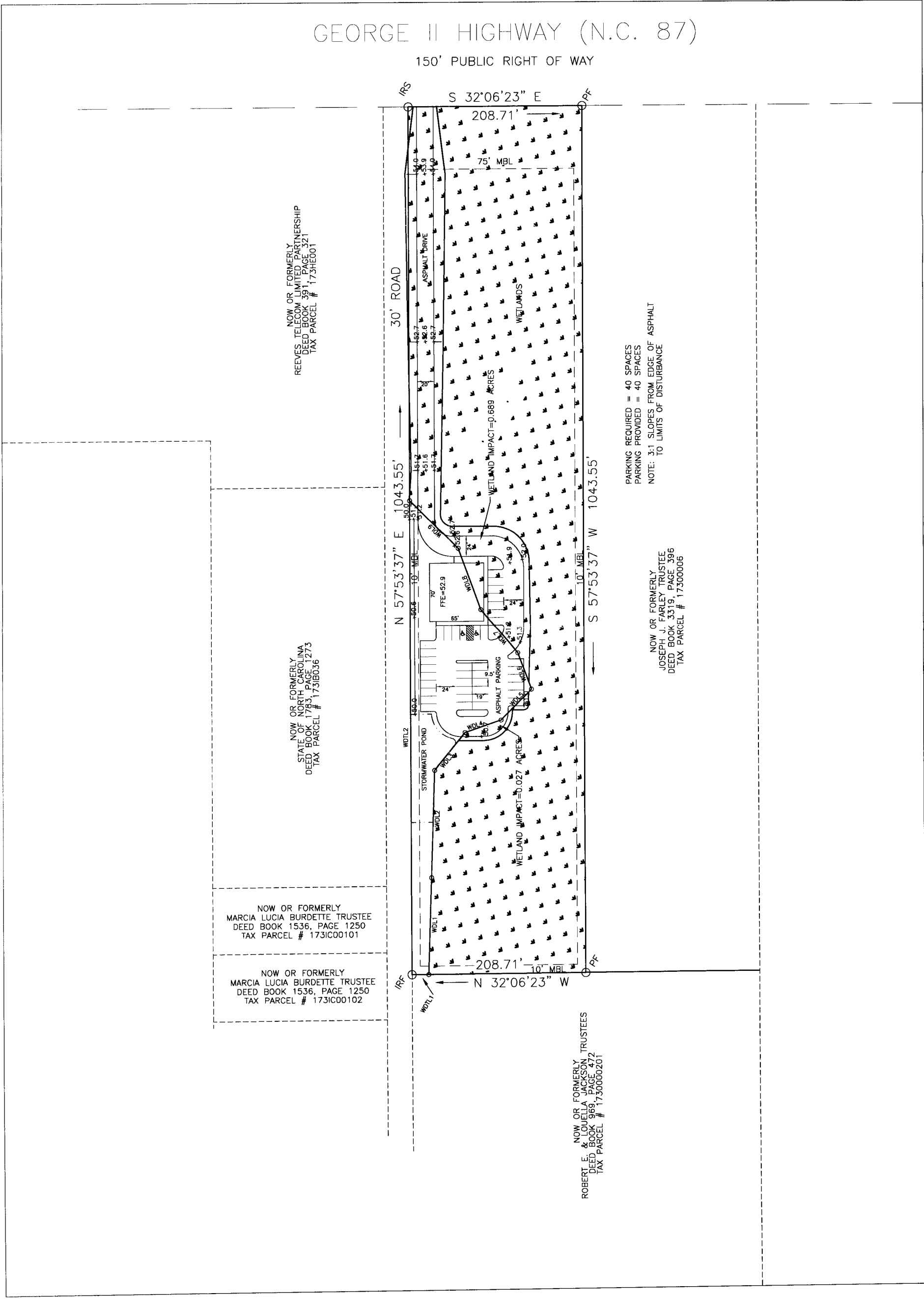
NOW OR FORMERLY
 MARCIA LUCIA BURDETTE TRUSTEE
 DEED BOOK 1536, PAGE 1250
 TAX PARCEL # 173IC00101

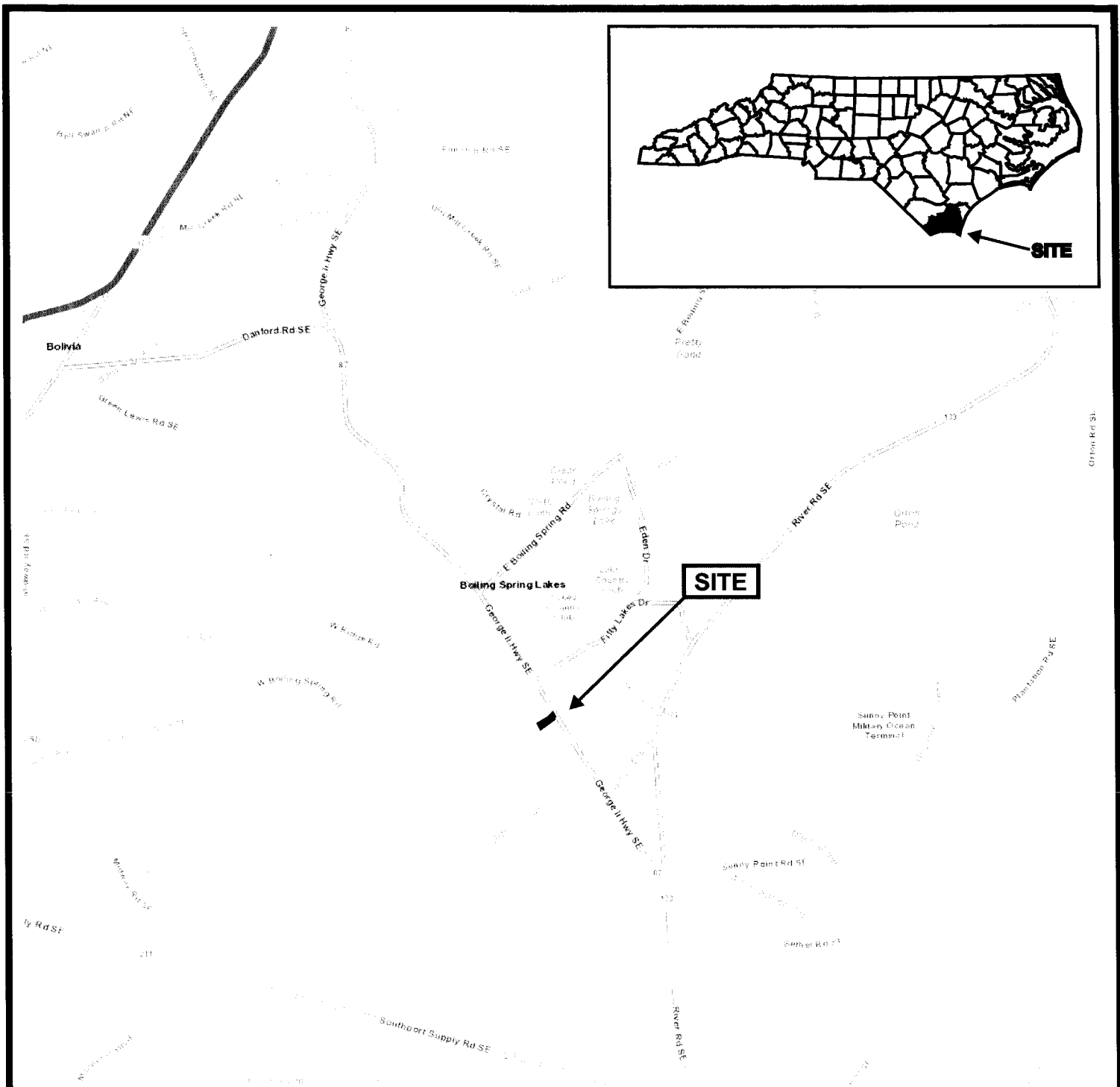
NOW OR FORMERLY
 MARCIA LUCIA BURDETTE TRUSTEE
 DEED BOOK 1536, PAGE 1250
 TAX PARCEL # 173IC00102

NOW OR FORMERLY
 ROBERT E. & LOUELLA JACKSON TRUSTEES
 DEED BOOK 969, PAGE 472
 TAX PARCEL # 1730000201

NOW OR FORMERLY
 JOSEPH J. FARLEY TRUSTEE
 DEED BOOK 3319, PAGE 396
 TAX PARCEL # 173000006

PARKING REQUIRED = 40 SPACES
 PARKING PROVIDED = 40 SPACES
 NOTE: 3:1 SLOPES FROM EDGE OF ASPHALT
 TO LIMITS OF DISTURBANCE





Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2012

RECEIVED
AUG 30 2013
 BRUNSWICK COUNTY



SCALE 1" = 1 Mile

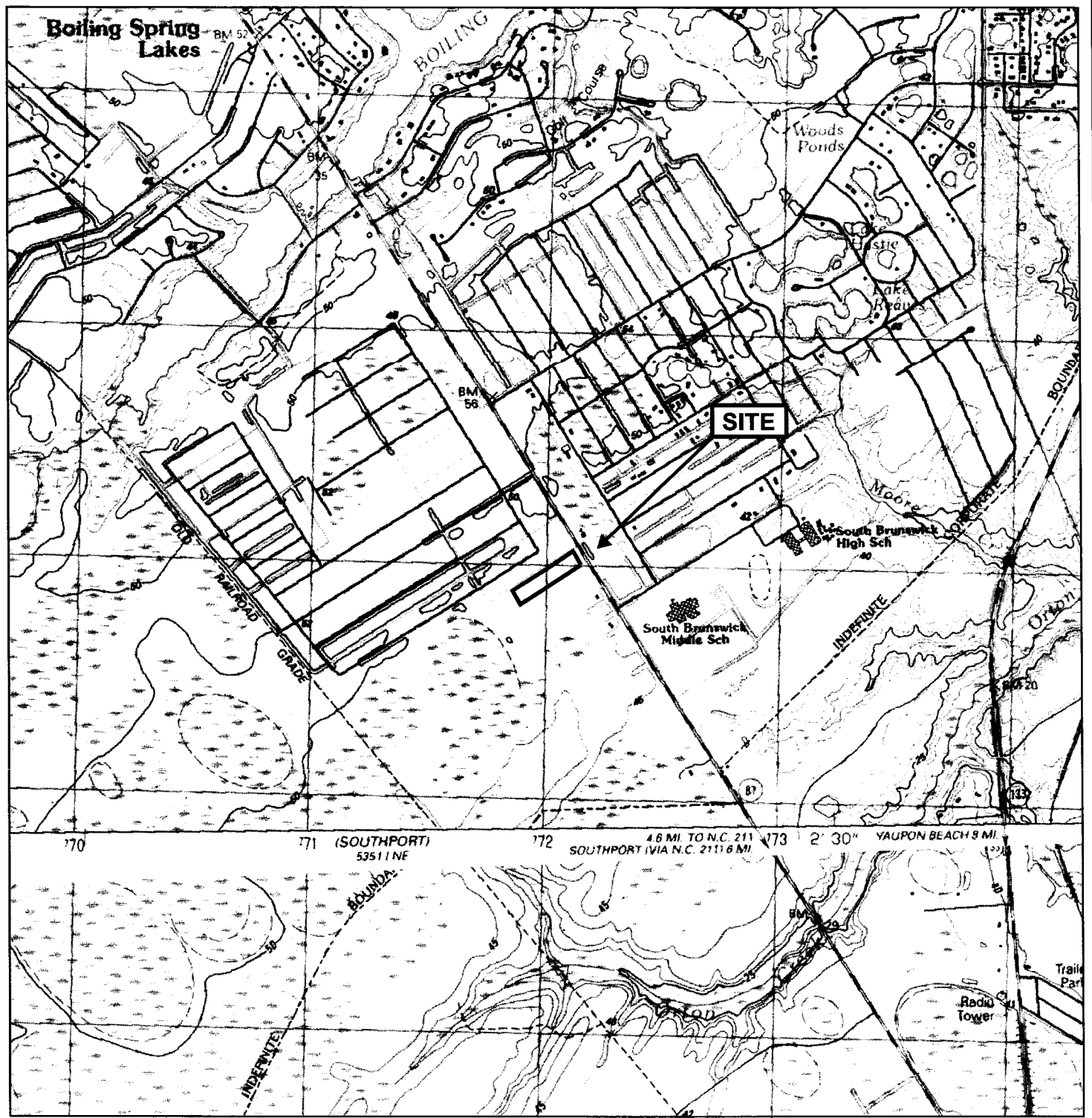
*Boundaries are approximate and are not meant to be absolute.

Map Source: ArcGIS World Street Map

Waves of Praise Worship Center
 Brunswick County, NC
 August 2013
 40-13-098

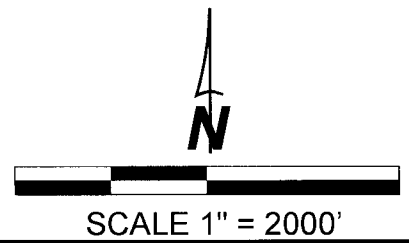
 **LMG**
 www.LMGroup.net
 Phone: 910.452.0001 • 1.866.LMG.1078
 Fax: 910.452.0060
 3805 Wrightsville Avenue
 Wilmington, NC 28403

Figure 1
 Vicinity Map



*Boundaries are approximate and are not meant to be absolute.

Map Source: USGS Funston and Southport Quadrangles 7.5 minute 1990



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Figure 2
USGS Topographic Map